

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Dillon Bezehertny	Team: Squad #11	CCRB Case #: 202201592	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/03/2022 9:20 AM	Location of Incident: 506 Bergen Street	18 Mo. SOL 9/3/2023	Precinct: 78		
Date/Time CV Reported Mon, 03/14/2022 5:26 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 03/14/2022 5:32 PM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. SGT Anthony Gonzalez	01564	934943	WARRSEC		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. DT3 Steve Richards	02920	937372	WARRSEC		
2. SGT Pagiel Clark	02947	953759	078 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A . SGT Anthony Gonzalez	Abuse: Sergeant Anthony Gonzalez authorized Detective Steve Richards to arrest § 87(2)(b) unlawfully.				

Case Summary

On March 14, 2022, § 87(2)(b) filed this complaint online with CCRB.

On March 3, 2022, at approximately 9 a.m., § 87(2)(b) was walking home on the north side of Bergen Street in Brooklyn. Near 506 Bergen Street, § 87(2)(b) saw an unmarked, black sedan reversing such that the rear tires of the vehicle were on the sidewalk of the north side of Bergen Street and the front tires were still on the street such that the car was perpendicular to the street, a practice known as combat parking. To prevent the driver, § 87(2)(b) identified by Sergeant Gonzalez of the Brooklyn Warrants Section as a New York City Marshals liaison to the NYPD and by Detective Steve Richards, also of the Brooklyn Warrants Section, as a New York State parole officer, from parking on the sidewalk, § 87(2)(b) stood near the rear bumper of the car such that it could not reverse any further. For sake of clarity, the report will reference the driver as § 87(2)(b). The investigation conducted a search of CTS + and confirmed that § 87(2)(b) is not a member of the NYPD. § 87(2)(b) asked § 87(2)(b) to move, at which time § 87(2)(b) refused. At some point, Det. Richards responded, asking § 87(2)(b) to move such that the car could park. § 87(2)(b) refused to allow § 87(2)(b) to park on the sidewalk, so Det. Richards called Sgt. Gonzalez to assist. § 87(2)(b) still refused to let § 87(2)(b) to park on the sidewalk, so Det. Richards arrested § 87(2)(b) at the direction of Sgt. Gonzalez. § 87(2)(b) was charged with one count of obstructing governmental administration in the 2nd degree and two counts of disorderly conduct (**Allegation A: Abuse of Authority: § 87(2)(g)**).

Det. Richards and Sgt. Gonzalez were not assigned body-worn cameras on this day.

There is no BWC or stationhouse video depicting the incident prior to the processing of § 87(2)(b) arrest.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Anthony Gonzalez authorized Detective Steve Richards to arrest § 87(2)(b) unlawfully.

As § 87(2)(b) (**Board Review 01**) was walking on the sidewalk near the 78th Precinct stationhouse in Brooklyn, he saw an unmarked, black sedan reversing onto the sidewalk such that its rear tires had reversed five to ten feet on the sidewalk and its front tires were still on the street, a method of parking known as combat parking. § 87(2)(b) noted several other cars in the immediate area were combat parked, which he understood to be illegal. Because of this understanding, § 87(2)(b) stood “right next to” the car’s rear bumper so that it could not finish parking. The driver – identified by § 87(2)(b) as an NYPD police officer, by Det. Richards as a New York State parole officer, and by Sgt. Gonzalez as a New York City Marshals liaison to NYPD - attempting to park, informed § 87(2)(b) that he was an officer and § 87(2)(b) needed to move. § 87(2)(b) told § 87(2)(b) that he was not allowed to park on the sidewalk. Within five minutes, Det. Richards approached § 87(2)(b) and began arguing the legality of combat parking. Det. Richards told § 87(2)(b) to move, but § 87(2)(b) refused. At some point, Sgt. Gonzalez approached § 87(2)(b) stating that if § 87(2)(b) did not move, he would be arrested. Sgt. Gonzalez immediately walked back towards the 78th Precinct stationhouse. Seven to ten minutes later, Sgt. Gonzalez approached § 87(2)(b) and told him he was being arrested. § 87(2)(b) was placed in handcuffs and escorted by Det. Richards inside the 78th Precinct stationhouse for arrest processing.

Sgt. Gonzalez (**Board Review 02**) received a call from Det. Richards requesting his assistance

outside the stationhouse because § 87(2)(b) was preventing § 87(2)(b) from parking. Sgt. Gonzalez responded and told § 87(2)(b) to move because § 87(2)(b) was allowed to combat park. Sgt. Gonzalez directed § 87(2)(b) attention to street signs which read “authorized police vehicles only” posted around the 78th Precinct stationhouse. § 87(2)(b) remained in the way of the vehicle for around twenty minutes, at which time Sgt. Gonzalez told § 87(2)(b) that he would receive a summons or be arrested if he did not allow § 87(2)(b) to park. Sgt. Gonzalez returned inside the stationhouse to confer with his supervisor, Lt. Dominick Nasso of the Brooklyn Warrant Squad. Sgt. Gonzalez called Lt. Nasso and informed him that § 87(2)(b) was preventing an officer from parking by standing in the vehicle’s way, at which time Lt. Nasso agreed with Sgt. Gonzalez that § 87(2)(b) should be arrested if he refuses to let the officer park. Sgt. Gonzalez and Lt. Nasso did not discuss any specific charges during their five-minute conversation. Sgt. Gonzalez returned outside and told Det. Richards to arrest § 87(2)(b). Sgt. Gonzalez stated that, other than the officer’s vehicle, § 87(2)(b) did not obstruct any vehicular or pedestrian traffic. Sgt. Gonzalez stated that, other than refusing to leave, § 87(2)(b) did not commit any crimes. Sgt. Gonzalez explained that Bergen Street is typically busy, but on this day, there was not any traffic. Regarding hazardous conditions posed by § 87(2)(b) refusing to move, Sgt. Gonzalez stated that § 87(2)(b) vehicle was stuck in the middle of the street since it could not park, which poses a danger. Sgt. Gonzalez stated § 87(2)(b) was returning to the stationhouse to complete unspecified paperwork.

Det. Richards (**Board Review 03**) exited the 78th Precinct stationhouse at the request of § 87(2)(b) observing upon his arrival that § 87(2)(b) was standing in the way of § 87(2)(b) car which was trying to combat park within an area designated as police parking. Det. Richards told § 87(2)(b) that he had to move; when § 87(2)(b) refused, Det. Richards called Sgt. Gonzalez for assistance. Det. Richards stated he was uncomfortable issuing a summons or otherwise acting on his own once he reached an impasse with § 87(2)(b) about letting § 87(2)(b) park. Sgt. Gonzalez responded to the scene and told § 87(2)(b) that he had to move, then went back inside the stationhouse for an unknown time. Det. Richards did not know why Sgt. Gonzalez went inside the stationhouse, but stated when Sgt. Gonzalez returned to the scene, he told Det. Richards to place § 87(2)(b) under arrest. Det. Richards and Sgt. Gonzalez did not discuss what § 87(2)(b) would be charged with. Det. Richards stated that, in blocking § 87(2)(b) vehicle from parking, he was obstruction of governmental administration since § 87(2)(b) was reporting for work.

Lt. Nasso (**Board Review 04**) received a call from Sgt. Gonzalez who told him that Det. Richards was effecting an arrest. Lt. Nasso asked if he was needed on scene, to which Sgt. Gonzalez said no. Lt. Nasso stated that Sgt. Gonzalez only called him to notify him of the arrest; Lt. Nasso never consulted with Sgt. Gonzalez or otherwise provided any guidance or commands regarding whether § 87(2)(b) would be arrested.

§ 87(2)(b) arrest report (**Board Review 05**) notes that § 87(2)(b) was charged with one count of obstruction of governmental administration in the second degree and two counts of disorderly conduct for violations of subsection 5 and 7 respectively. The report narrative states that § 87(2)(b) refused to allow a police vehicle to park “in an area where sign posted... states “Authorize vehicle only police department.” Police lights were activated and defendant did refuse to move... block[ing] said vehicle from parking. After 15 minutes of pleading and giving multiple warnings deft was placed under arrest.”

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

It is undisputed that § 87(2)(b) physically and intentionally prevented § 87(2)(b) from combat parking. It is also undisputed that § 87(2)(b) was attempting to combat park within the perimeter of the “authorized police vehicles only” area surrounding the 78th Precinct stationhouse. § 87(2)(b)

(S)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Sgt.

Gonzalez acknowledged that § 87(2)(b) was not obstructing any vehicular or pedestrian traffic.

§ 87(2)(g)

Though Sgt. Gonzalez testified that Lt. Nasso told Sgt. Gonzalez § 87(2)(b) should be arrested, Lt. Nasso denied providing consultation, guidance, or commands regarding the arrest of § 87(2)(b) during their phone call. Sgt. Gonzalez and Det. Richards were consistent in stating that Sgt. Gonzalez told Det. Richards to arrest § 87(2)(b).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- § 87(2)(b) [REDACTED]
- Sgt. Gonzalez has been a member of service for 18 years and has been a subject in 8 CCRB complaints and 14 allegations, of which one was substantiated (**Board Review 14**):
 - CCRB Case 200606112 involved a substantiated allegation of physical force. The NYPD imposed instructions. § 87(2)(g) [REDACTED]

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of August 19, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (**Board Review 15**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad: 11

Investigator:	<u>Dillon Bezehertny</u> Signature	<u>Investigator Bezehertny</u> Print Title & Name	<u>11/23/2022</u> Date
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Squad Leader:	<u>Edwin Pena</u> Signature	<u>IM Edwin Pena</u> Print Title & Name	<u>11/23/200</u> Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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